

**U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625**

**DOCUMENTATION OF LAND USE PLAN
CONFORMANCE AND NEPA ADEQUACY**

NUMBER: DOI-BLM-CO-N010-2012-0005-DNA

PROJECT NAME: May 2012 - Colorado Competitive Oil & Gas Lease Sale, Little Snake Field Office

LEGAL DESCRIPTION: See Attachment A for all parcels
See Attachment B for parcels recommended for deferral
See Attachment C for parcels recommended for leasing

INTRODUCTION: It is the policy of the Bureau of Land Management (BLM) as derived from various laws, including the Mineral Leasing Act of 1920 and the Federal Land Policy and Management Act of 1976, to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs.

The BLM Colorado State Office conducts a quarterly competitive lease sale to sell available oil and gas lease parcels. A Notice of Competitive Lease Sale, which lists lease parcels to be offered at the auction, is published by the BLM State Office at least 45 days before the auction is held. Lease stipulations applicable to each parcel are specified in the Sale Notice. The decision as to which public lands and minerals are open for leasing and what leasing stipulations may be necessary, based on information available at the time, is made during the land use planning process. Surface management of non-BLM administered lands overlaying federal minerals is determined by BLM in consultation with the appropriate surface management agency or the private surface owner.

In the process of preparing a lease sale the BLM State Office sends a draft parcel list to each field office where the parcels are located. Field Office staff then review the legal descriptions of the parcels to determine if they are in areas open to leasing; if appropriate stipulations have been included; if new information has become available which might change any analysis conducted during the planning process; if appropriate consultations have been conducted, and if there are special resource conditions of which potential bidders should be made aware. Once the draft parcel review is completed and returned to the State Office, a list of available lease parcels and stipulations is made available to the public through a Notice of Competitive Lease Sale (NCLS). Lease sale notices are posted on the Colorado BLM website: www.co.blm.gov/oilandgas/leasinfo.htm. On rare occasions, additional information obtained after the publication of the NCLS may result in withdrawal of certain parcels prior to the day of the lease sale.

The following Documentation of NEPA Adequacy (DNA) documents the review of the parcels offered in the February 2012 Competitive Oil and Gas Lease Sale that is under the administration of the Little Snake Field Office. It serves to verify conformance with the approved land use plan and provides the rationale for deferring or dropping parcels from a lease sale as well as providing rationale for attaching additional lease stipulations to specific parcels.

A. DESCRIPTION OF PROPOSED ACTION

The Proposed Action would be to recommend to the Colorado State Office that the BLM lease, for potential oil and gas exploration and production, approximately 5,162.96 acres of Federal mineral estate within the Little Snake Field Office (LSFO). The BLM and private landowners manage the surface estate. The mineral estate is administered by the BLM. The seven (7) parcels, totaling 5,162.96 acres, nominated to be leased are identified in Attachment A and Map 1. Six (6) parcels, totaling 3,162.96 acres are in Moffat County. Of the parcels in Moffat County, all 3,162.96 acres are on BLM managed surface and there are no split-estate parcels. One (1) parcel, totaling 1,840.00 acres is in Rio Blanco County. 1,240.00 acres of the parcel in Rio Blanco County are on BLM managed surface with Federal minerals and 600.00 acres on privately owned surface with Federal minerals. The legal descriptions and applicable land use stipulations are identified in Attachment A. Part of parcel #6164, totaling 160.00 acres, identified in Attachment B is proposed to be deferred in the upcoming May 2012 competitive lease sale. The seven (7) parcels, totaling 5002.96 acres, identified in Attachment C are recommended for leasing.

Once sold, the lease purchaser would have the right to use as much of the leased lands as is reasonably necessary to explore and drill for all of the oil and gas resources within the lease boundaries, subject to the stipulations attached to the lease (43 CFR 3101). Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lease holder fails to produce oil and gas, does not make annual rental payments, does not comply with the terms and conditions of the lease, or relinquishes the lease, ownership of the minerals leased reverts back to the federal government and the lease can be resold. Drilling of wells on a lease would not be permitted until the lease owner or operator meets the site specific requirements specified in 43 CFR 3162.

Once sold, the lease purchaser would have the right to use as much of the leased lands as is reasonably necessary to explore and drill for all of the oil and gas resources within the lease boundaries, subject to the stipulations attached to the lease (43 CFR 3101). Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lease holder fails to produce oil and gas, does not make annual rental payments, does not comply with the terms and conditions of the lease, or relinquishes the lease, ownership of the minerals leased reverts back to the federal government and the lease can be resold. Drilling of wells on a lease would not be permitted until the lease owner or operator meets the site specific requirements specified in 43 CFR 3162.

As part of the LSFO review, parcels are reviewed to make sure the appropriate stipulations will be attached at the time of the lease sale. All of the parcels or portions of parcels that have been recommended to be deferred from leasing at this time are listed in Attachment B. All of the

parcels listed in Attachment C are recommended for leasing and have the correct stipulations identified in Attachment C.

As part of the 2010 oil and gas leasing policy reform, the WO directed each state to form an Interdisciplinary Consistency Review Team to ensure lease stipulations are consistent within each state office for the protection of similar resources or resource settings, and stipulations edge-match across administrative boundaries. This process will culminate in new stipulations in BLM Colorado land use plans, which would be integrated during Resource Management Plan (RMP) revision processes or as RMP amendments. The LSFO RMP will be amended when the statewide stipulations are approved, which will include the 0.4 mile NSO buffer for Columbian sharp-tailed grouse leks.

B. LAND USE PLAN (LUP) CONFORMANCE

The proposed action was reviewed for conformance (43 CFR 1610.5, BLM 1617.3) with the following plan:

Name of Plan(s): Little Snake Record of Decision and Resource Management Plan (RMP)

Date(s) Approved: October 2011

Results: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions as follows:

Allow for the availability of the federal oil and gas estate (including coalbed natural gas) for exploration and development. Objectives for achieving these goals include:

- Identify and make available the federal oil and gas estate (including coalbed natural gas) for exploration and development.
- Facilitate reasonable, economical, and environmentally sound exploration and development of oil and gas resources (including coalbed natural gas).

Section/Page: Section 2.13 Energy and Minerals/ page RMP-36

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

Name of Plans:

Colorado Oil and Gas Leasing & Development Final Environmental Impact Statement Plan Amendment, October 1991. (EIS)

D. NEPA ADEQUACY CRITERIA

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes, the proposed lease parcels are within the area analyzed by the LSFO RMP and the management action for oil and gas leasing is the same as proposed there in. That action is to lease with standard lease term and conditions in addition to specified stipulations. Areas have been designated for leasing with standard, Controlled Surface Use (CSU), No Surface Occupancy (NSO), and timing limit stipulations. Some areas are designated as unavailable or closed to leasing for the life of the LSFO RMP.

According to the Tenth Circuit Court of Appeals, site-specific NEPA analysis is not possible absent concrete proposals. Filing of an Application for Permit to Drill is the first useful point at which a site-specific environmental appraisal can be undertaken (Park County Resource Council, Inc. v. U.S. Department of Agriculture, 10th Cir., April 17, 1987). In addition, the Interior Board of Land Appeals has decided that, BLM is not required to undertake a site-specific environmental review before issuing an oil and gas lease when it previously analyzed the environmental consequences of leasing the land (Colorado Environmental Coalition Et AL., IBLA 96-243, decided June 10, 1999).

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes, the alternatives analyzed in the RMP included Continuation of Present Management, Standard Terms and Conditions, and the Proposed Action. They provided a broad range of alternatives, which in our judgment adequately address current environmental concerns, interests, and resource values.

3. Is the existing analysis valid in light of any new information or circumstances?

The proposed project areas were analyzed for lands with wilderness characteristics under WO-IM 2011-154, *Requirement to Conduct and Maintain Inventory Information for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans*. Based on this analysis, no proposed project areas are subject to WO-IM 2011-154.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes, the methodology and analytical approach used in the 1991 leasing EIS and LSFO RMP are appropriate for this proposed action. The use of new methodologies or approaches would result in the same impact conclusion and leasing decisions.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Yes. The direct and indirect impacts of the current proposed action are substantially unchanged from those identified in the 1991 leasing EIS and LSFO RMP. (See also D.1. above.)

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes, the actual cumulative impacts are well within the parameters addressed in the 1991 leasing EIS on pages 2-27 thru 4-29. To date, the amount of surface disturbance on public land has been less than predicted and added to past present and reasonably foreseeable actions of BLM and others, the impact prediction remains accurate. Implementing the proposed action will not substantially change the cumulative impact analysis.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Full public review occurred during the RMP/EIS process. The current proposed lease sale would fall under the public and interagency review procedure for the LSFO RMP. In addition, a notice of competitive lease sale is posted in all BLM and USFS offices approximately 90 days prior to the sale or on the BLM web site, www.co.blm.gov/oilandgas/leasinfo.htm.

The preliminary DNA was posted in the public room and NEPA register (http://www.blm.gov/co/st/en/BLM_Information/nepa/lsfo.html) of the BLM Colorado State Office for a 30-day public review period. The comment period began **November 28, 2011**. A press release went out on **November 28, 2011** and was distributed to the BLM's statewide media list, constituent list, and congressional list. The comment period closed 5:00 PM Mountain time, December 28, 2011.

XXX (X) letters of comment were received. Comments are addressed the Decision Record.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this document.

Title	Resource Represented	Date
Ecologist	Air Quality, Floodplains, Prime/Unique Farmlands, Surface Water Quality, Wetlands/Riparian Zones	ELS 11/7/11
Archaeologist	Cultural Resources, Native American Concerns	EM 11/8/11
Land Law Examiner	Legal Verification	
Outdoor Recreation Specialist	WSA, W&S Rivers, Lands with Wilderness Characteristics	GMR 11/2/11
Rangeland Management Specialist	Sensitive Plants, T&E Plant	JHS 11/7/11

Wildlife Biologist	T&E Animal	DA 11/9/11
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REMARKS

WILDERNESS CHARACTERISTICS:

The proposed project areas were analyzed for lands with wilderness characteristics under WO-IM 2011-154, *Requirement to Conduct and Maintain Inventory Information for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans*. Only four of the project areas for proposed lease sales 6173, 6175, 6182, and 6183 met the size, but not roadless criteria. Proposed lease sales project areas for 6165, 6171 and 6174 did not meet the size criteria for wilderness characteristics. Based on this analysis, no proposed project areas are subject to WO-IM 2011-154. All proposed lease sales are either on split estate in which BLM does not control the surface, or GIS analysis for the areas where BLM controls the surface demonstrate that no leases are in areas that meet the roadless areas greater than 5,000 acres, or parcels do not meet the size criteria.

WILDLIFE:

Greater sage-grouse:

Recent research offers strong indications that traditional forms and application of sage-grouse protection measures, formerly endorsed by State and Federal wildlife managers, are ineffective in maintaining local sage-grouse populations in the face of even modest levels of fluid mineral development (e.g., Holloran 2005, Doherty et al. 2008, Walker et al. 2007). These data suggest that reduced lek attendance, avoidance and displacement from areas of energy development, lower survival of nesting hens, and reduced nest success are attributable to oil and gas development at well densities that exceed one well per section. To address these impacts, the LFSO adopted a larger buffer for lek sites (0.60 mile NSO buffer). In addition, surface disturbance limits (1 or 5 percent) are being placed on leases in high and medium priority sagebrush habitats.

T&E Species:

Colorado River Fish - Cumulative water depletions from the Colorado River Basin are considered likely to jeopardize the continued existence of the Colorado pikeminnow, humpback chub, bonytail and razorback sucker and result in the destruction or adverse modification of their critical habitat. In 2008, BLM prepared a Programmatic Biological Assessment (PBA) that addressed water depleting activities associated with BLM's fluid minerals program in the Colorado River Basin in Colorado, including water used for well drilling, hydrostatic testing of pipelines and dust abatement on roads. In response, the U.S. Fish and Wildlife Service (FWS) prepared a Programmatic Biological Opinion (PBO) that addressed water depletions associated with fluid minerals development on BLM lands. The PBO included reasonable and prudent alternatives which allowed BLM to authorize oil and gas wells that result in water depletions while avoiding the likelihood of jeopardy to the endangered fishes and avoiding destruction or adverse modification of their critical habitat. The reasonable and prudent alternative authorized

BLM to solicit a one-time contribution to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program) in an amount based on the average annual acre-feet depleted by fluid minerals activities on BLM lands. Development associated with this lease sale would be covered by this agreement and water use would be entered into the LSFO water depletion log that is submitted to the Colorado State Office at the end of each fiscal year.

CULTURAL RESOURCES:

This analysis is confined to the seven parcels recommended for leasing as identified in Attachment C. The leasing of federal mineral rights for potential oil and gas exploration and production is considered an undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA).

BLM has the legal responsibility to take into account the effects of its actions on cultural resources located on federal land or affected by federal undertakings. BLM Manual 8100 Series, the Colorado State Protocol and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on how to accomplish Section 106 requirements with the appropriate cultural resource standards. Section 106 of NHPA requires federal agencies to: 1) inventory cultural resources to be affected by federal undertakings, 2) evaluate the importance of cultural resources by determining their eligibility to the National Register of Historic Places (National Register), and 3) consult with the federal and state preservation agencies regarding inventory results, National Register eligibility determinations, and proposed methods to avoid or mitigate impact to eligible sites. Within the state of Colorado, BLM's NHPA obligations are carried out under a Programmatic Agreement between BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). If the undertaking is determined to have “no effect” or “no adverse effect” by the BLM Little Snake Field Office archaeologist then it may proceed under the terms of the Programmatic Agreement. If the undertaking is determined to have “adverse effects” then consultation is initiated with the SHPO.

The prehistoric and historic cultural context for northwestern Colorado has been described in several recent regional contexts. Reed and Metcalf's (1999) context for the Northern Colorado River Basin is applicable for the prehistoric context and historical contexts include overviews compiled by Frederic J. Athearn (1982) and Michael B. Husband (1984). A historical archaeology context has also been prepared for the state of Colorado by Church and others (2007). In addition, significant cultural resources administered by the BLM-LSFO have been discussed in a Class 1 overview (McDonald and Metcalf 2006). A Class I background search specific to each of the seven parcels recommended for leasing was also conducted by the BLM-LSFO.

Parcel 6163-Two cultural resource studies have been conducted within the parcel resulting in the inventory of less than 1 acre (1 percent) of the total 40 acres within the parcel. No cultural resources were identified as a result of these studies. No potential unrecorded historic resources were identified on the GLO plats or topographic maps of the area. The potential for

undocumented cultural resources is unknown due to the lack of inventory in the region. The terrain is rugged, which is not generally conducive to prehistoric and historic site locations. Site density is relatively low nearby. Any undiscovered cultural resources have the potential to be recommended eligible for the National Register.

Parcel 6164-Only the portions of the parcel within the Little Snake Field Office Resource Management Area was reviewed. The portions of the parcel administered by White River Field Office (those in Section 22) have been deferred from leasing. Two studies have been conducted within the parcel resulting in the inventory of 382 acres (19 percent) of the total 2,000 acres within the parcel. These studies did not result in the discovery of any cultural resources. However, one multicomponent prehistoric/historic archaeological site is known to be in the parcel. This site was recorded over 30 years ago and consists of an open architectural site. The site's eligibility to the National Register has not been evaluated but is very likely eligible for the National Register. A potential historic resource is depicted on the 1892 and 1908 GLO plats. This resource consists of a wagon road labeled "Thornburgh Wagon Road" on the 1892 GLO. The alignment of the Wagon Road may follow the current alignment of Moffat County Route 45. While the site density in the area appears to be relatively low, the Thornburgh Battlefield/Battle of Milk Creek is nearby. Any newly discovered sites associated with the battle will very likely be recommended eligible for the National Register. Any other undiscovered cultural resources have the potential to be recommended eligible for the National Register.

Parcel 6171-Two cultural resource studies have been conducted within the parcel resulting in the inventory of 14 acres (4 percent) of the total 376 acres within the parcel. No cultural resources were identified as a result of these studies. No potential unrecorded historic resources were identified on the GLO plats or topographic maps of the area. The potential for undocumented cultural resources is unknown due to the lack of inventory in the region. Site density is low to moderate in the region. Any other undiscovered cultural resources have the potential to be recommended eligible for the National Register.

Parcel 6174-Two cultural resource studies have been conducted within the parcel resulting in the inventory of the entire parcel. No cultural resources were identified within the parcel as a result of these studies and no potential unrecorded historic resources were identified on the GLO plats or topographic maps of the area. The potential for undocumented cultural resources is low. Site density is low to moderate in the region. Any other undiscovered cultural resources have the potential to be recommended eligible for the National Register.

Parcel 6175-One cultural resource study has been conducted within the parcel resulting in the inventory of 10 acres (5 percent) of the total 200 acres within the parcel. No cultural resources were identified within the parcel as a result of these studies and no potential unrecorded historic resources were identified on the GLO plats or topographic maps of the area. The potential for undocumented cultural resources is unknown due to the lack of inventory. Much of the terrain is rugged, which is not generally conducive to prehistoric and historic site locations. Site density is relatively high along the highway to the west. Any undiscovered cultural resources have the potential to be recommended eligible for the National Register.

Parcel 6182-One cultural resource study has been conducted within the parcel resulting in the inventory of 7 acres (3 percent) of the total 240 acres within the parcel. No cultural resources were identified within the parcel as a result of these studies and no potential unrecorded historic resources were identified on the GLO plats or topographic maps of the area. The potential for undocumented cultural resources is unknown due to the lack of inventory. Site density is relatively high to the west. Any undiscovered cultural resources have the potential to be recommended eligible for the National Register.

Parcel 6183-Six cultural resource studies have been conducted within the parcel resulting in the inventory of 209 acres (8 percent) of the total 2,477 acres within the parcel. Twelve cultural resources have been identified within the parcel as a result of these studies. These resources consist of six prehistoric archaeological sites, four prehistoric isolated finds, and a multicomponent prehistoric and historic archaeological site. The prehistoric archaeological sites and component consist of a stone circle-quarry site, four campsites, and two lithic scatters. The historic component consists of the ruins of a habitation site. The stone circle-quarry site is associated with the Formative/Protohistoric era. One of the archaeological sites and the archaeological component are associated with the Archaic era. One of the cultural resources has been recommended eligible for the National Register, two require additional data before recommendations can be made regarding their National Register eligibilities, and the remaining nine cultural resources are recommended as not eligible for the National Register. Potential undocumented historic resources are depicted on the 1907 GLO plats consisting of two wagon roads and a historic fence line. The potential for undocumented cultural resources is high due to the location along the Yampa River which would have been an important resource for prehistoric and historic groups. Any undiscovered cultural resources have the potential to be recommended eligible for the National Register.

References

Athearn, Frederic J.

1982 *An Isolated Empire: A History of Northwest Colorado*. Bureau of Land Management-Colorado. Cultural Resource Series No. 2, Second Edition. Denver.

Church, Minette C., Steven G. Baker, Bonnie J. Clark, Richard f. Carrillo, Jonathan C. Horn, Carl D. Spath, David R. Guilfoyle, and E. Steve Cassells

2007 *Colorado History: A Context for Historical Archaeology*. Colorado Council of Professional Archaeologists, Denver.

Husband, Michael B.

1984 *Plateau Country Historic Context*. Office of Archaeology and Historic Preservation, State Historic Preservation Office, Denver.

McDonald Kae and Michael Metcalf

2006 *Regional Class I Overview of Cultural Resources for the BLM Little Snake Field Office*. Metcalf Archaeological Consultants, Inc. Eagle, Colorado.

Reed, Alan D. and Michael Metcalf

1999 *Colorado Prehistory: A Context for the Northern Colorado River Basin*. Colorado Council of Professional Archaeologists, Denver, Colorado.

Site specific surveys, evaluation and mitigation will be completed prior to the issuance of any permit per lease stipulation CO-39. The BLM is required by law and regulation to ensure that Bureau-initiated or Bureau-authorized actions do not inadvertently harm or destroy cultural resource values. Because most cultural resources are unidentified, irreplaceable, and highly sensitive to ground disturbance, it is necessary that the resources are properly identified, evaluated, and reported prior to any proposed action that may affect their integrity or condition. Before any Applications for Permit to Drill (APDs) are issued for exploration or drilling, a Class III cultural resource study would be undertaken to comply with Section 106 of the National Historic Preservation Act (NHPA).

All lands are subject to Exhibit CO-39 to protect cultural resources. Before any APDs are approved for exploration or drilling, a Class III cultural resource survey would be undertaken to comply with Section 106 of the National Historic Preservation Act. BLM-LSFO requires a minimum 40-acre inventory block around any proposed well location. Class III cultural resource surveys are also required for associated roads (new or improved) and pipelines. Law and regulation require the BLM to ensure that Bureau-initiated or Bureau-authorized actions do not inadvertently harm or destroy cultural resource values. Coordination with private landowners will ensure consideration of the effect of future federal decisions on cultural resources. Because most cultural resources are unidentified, irreplaceable, and highly sensitive to ground disturbance, it is necessary that the resources are properly identified, evaluated, and reported prior to any future activity that may affect their integrity or condition. Where potential effects to eligible cultural resources are identified, the preferred mitigation is to relocate the proposed well pad(s) or infrastructure to avoid the sites by more than 100 meters, or relocation such that the undertaking's APE does not "adversely affect" eligible sites. Data recovery of eligible sites may also be initiated in consultation with the Colorado SHPO. Specific mitigation is developed during NEPA review of individual APDs or related undertakings.

NATIVE AMERICAN RELIGIOUS CONCERNS

Tribal consultation was initiated by letter with the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Utes Tribal Council, Shoshone Tribal Historic Preservation Officer, and the Colorado Commission of Indian Affairs in November of 2011. BLM-LSFO requested review of the seven leases to see if any traditional cultural properties or religious cultural values are present that BLM should be aware of prior to issuing the new leases. BLM-LSFO is currently aware of a previously identified concern regarding lease parcel 6164. Parcel 6164 is located on Thornburg Mountain primarily within the administrative boundaries of the BLM-LSFO near the location of the Battle of Milk Creek (Thornburgh Battle). A small portion of the parcel extends onto the BLM White River Field Office. These portions have been deferred from the lease sale. The battlefield location is listed on the National Register of Historic Places as it represents a significant event in the historic of Colorado and the West. BLM-LSFO also understands that the Ute tribe regards the location as a traditional cultural property.

Oil and gas leasing in the vicinity of the site was initially proposed and consulted on with interested Tribes in 2007. At that time BLM-LSFO was also soliciting comments regarding the BLM-LSFO Resource Management Plan (RMP) which also included the proposed leasing in the

area. A meeting regarding the RMP was conducted with the Uintah and Ouray Tribal Business Council in the spring of 2007. At the meeting concerns were raised about the potential adverse impacts of oil and gas development to the site. As the boundaries of the battlefield (particularly those on BLM administered surface) were not well known, the BLM-LSFO initiated a study (Scott 2008) to define the site boundary (particularly the components related to the Utes) and develop a viewshed analysis to aid in identifying potential adverse visual impacts. Due to these concerns, the leases were deferred from the 2007 lease sale. Subsequent consultations regarding the study and the site in general were conducted via letter and phone calls with Betsy Chapoose, Northern Ute NAGPRA representative in 2007 and 2008.

Ms. Chapoose and Northern Ute tribal elder Clifford Duncan visited the site in the fall of 2007 with BLM-LSFO archaeologist Robyn Morris to discuss potential adverse impacts from oil and gas development. Mr. Duncan expressed that if development was kept low and out of sight within the viewshed that development could proceed. The issue of adverse effects from the noise of oil and gas production was also discussed but no recommendations were made.

Due to the site's National Register eligibility and traditional cultural values, the LSFO placed a controlled surface use (CSU) stipulation into the final RMP regarding oil and gas development within the viewshed as defined by Scott (2008). This stipulation specifically states:

"To protect the viewshed of the Thornburgh/Battle of Milk Creek, a CSU stipulation would be attached to leases in the area. This would protect the landscape surrounding the Thornburgh/Battle of Milk Creek area, maintaining the cultural values by relocating oil and gas infrastructure in this area."

The CSU allows the BLM to require more than the standard limit (300ft) to move the pad out of the viewshed and restrictions on the heights of infrastructure related to development. No stipulation has been developed for the WRFO portions of the parcels. WRFO is planning on deferring the portions of the parcel with their Field Office Boundaries until the completion of their RMP (in draft stage). Prior to any BLM-permitted oil and gas development in the lease area (Applications to Drill, roads, pipelines, etc.), BLM-LSFO will consult directly with the Ute Tribe and the Colorado State Historic Preservation Officer regarding the proposed undertaking and any required mitigation

No comments were received from the tribes regarding cultural resources and areas of religious and cultural concern.-add content after consultation is complete.

In addition to the stipulations for the protection of Cultural Resources if new information is brought forward any site-specific Native American mitigation measures suggested during previous notification/ consultation would be considered during analysis of any future APDs or related undertakings. If new information is provided by Native Americans during the EA process, additional or edited terms and conditions for mitigation may have to be negotiated or enforced to protect resource values.

F. PERSONS/AGENCIES CONSULTED: Colorado Department of Wildlife, Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist_____ Date_____

Signature of NEPA Coordinator_____ Date_____

Signature of the Authorizing Official_____ Date_____

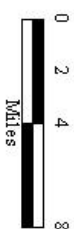
Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Attachments: Map 1 of all parcels
Attachment A: All Parcels
Attachment B: Parcels Recommended for Deferral
Attachment C: Parcels Recommended for Leasing
Attachment D: Comments and Responses

Little Snake Field Office **May 2012** **Oil & Gas Lease Sale**

Legend

- Oil & Gas Lease Sale Parcels (05/2012)
- Field Office Boundary
- OHV Restrictions (Off-Highway Vehicle)
- Closed
- Designated Roads & Trails
- SRM A (Special Recreation Management Area)
- Surface Management Status
- Private
- State DOW
- State Land Board
- US BLM
- * All other BLM lands limited to Existing Roads & Trails Only pending Transportation Management Planning



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregation use with other data. All boundaries are an approximate representation.



11/01/11

